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09/682,685	10/05/2001	Tin-Su Pan	GEMS8081.152	8976
27061 7590 03/20/2007 ZIOŁKOWSKI PATENT SOLUTIONS GROUP, SC (GEMS) 136 S WISCONSIN ST PORT WASHINGTON, WI 53074			EXAMINER SMITH, RUTH S	
			ART UNIT 3737	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/682,685
Filing Date: October 05, 2001
Appellant(s): PAN ET AL.

MAILED
MAR 20 2007
GROUP 3700

ZIOLKOWSKI PATENT SOLUTIONS GROUP, LLC (GEMS)
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed November 29, 2005 appealing from the Office action mailed October 28, 2004.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

No evidence is relied upon by the examiner in the rejection of the claims under appeal.

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 21-29 have been rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. A pulse sequence is considered to be a type of signal which does not encompass any of the statutory categories of invention. Appellant's attention is invited to MPEP 2106 which states "Claims that recite nothing but the physical characteristics of a form of energy, such as a frequency, voltage, or the strength of a magnetic field, define energy or magnetism, per se, and as such are nonstatutory natural phenomena. O'Reilly v. Morse, 56 U.S. (15

Art Unit: 3737

How.) 62, 112-14 (1853). Claims 21-29 are not directed to a practical application. The claims fail to positively set forth any means for producing the pulses or means for acquiring MR data after the pulses have been applied to a patient's body. Therefore, the claims merely set forth a series of pulses of electromagnetic radiation with the intended use that they be directed to a slab of slices in the patient's body.

(10) Response to Argument

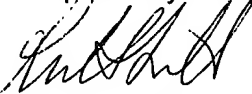
It is respectfully submitted that appellant's example of comparing the present claimed invention, directed to a signal, to claims which are directed to assembling pieces of wood to form a chair is not convincing. A chair is clearly recognized as encompassing statutory subject matter whereas a pulse sequence which comprises forms of energy/ a signal is not well recognized as such. The claims fail to positively set forth any practical application of the pulse sequence such as in the form of a step to acquire data using the pulse or means to provide the pulse sequence and merely set forth the pulses alone. Furthermore, it is submitted that the claims fail to positively set forth any ordered application of the pulses to achieve a practical application as inferred by the Appellant.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.


For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

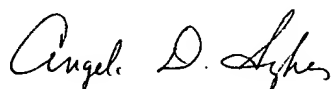


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